

AS
✓-2
third computer readable program code means for outputting the transmitted image files and the transmission order to an output device on the basis of the information held in the list.

REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and the following remarks. Claims 1-52 are pending in this application. Of these, claims 12-23, 35-49, 51 and 52 have been withdrawn from consideration. By this amendment, Applicant has amended claims 1-6, 9, 24-29, 32 and 50. An appendix containing a marked-up version of the amended claims showing deletions and additions using brackets and underlining, respectively, is attached.

Rejections Under 35 U.S.C. §102(b):

Claims 1-9, 24-32 and 50 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,092,023 to Kunishige. Claims 10, 11, 33 and 34 were rejected under 35 U.S.C. §103 as being unpatentable over Kunishige in view of U.S. Patent No. 6,426,801 to Reed. Claims 1, 24 and 50 are independent.

Applicant's invention, as defined by amended claim 1 is directed to: An image communication method for use by an image transmitting apparatus comprising: a transmission step of automatically transmitting a plurality of image files indicated in a transmission designation file to an external device; a first list generation step wherein said image transmitting apparatus generates a list holding information indicative of the transmitted image files and information representing a transmission order of the image files transmitted in said transmission step; and an output step of outputting the transmitted image files and the transmission order to an output device on the basis of the information held in the list. Claims 24 and 50 contain similar

features. In one embodiment, the image transmitting apparatus is a digital camera in which the present invention facilitates storing image transmission logs and browsing of such logs by a user of the camera particularly in view of the small screens typically associated with such devices.

Kunishige is directed to a film scanner coupled to a personal computer 36 ("PC 36") that includes a storage device such as a floppy disk or a CD-ROM. Scanned images are transmitted to the PC 36 together with photographing information associated with each image (e.g., photographing date, film frame number, film cartridge number, etc.) and are filed with the photographing information in the storage device in the manner illustrated in, e.g., FIGS. 9, 10, 12 and 13 of Kunishige. An operator of PC 36 may then retrieve the stored images using the photographing information.

The Office Action refers to FIGS. 9, 10, 12 and 13 of Kunishige as disclosing generating a list holding information representing the transmitted images and information representing a transmission order of the images. In this regard, Applicant has amended claim 1 to more clearly define the invention. In particular, claim 1 has been amended to recite that the image communication method is for use by an image transmitting apparatus and that the image transmitting apparatus performs the first list generation step of claim 1. In contrast, in Kunishige, the lists shown in FIGS. 9, 10, 12 and 13 are generated not by the film scanner, but rather, by PC 36, which the Office Action refers to as the external device to which the scanned images are transmitted.

Accordingly, Applicant respectfully submits that claim 1, as amended, is not anticipated by Kunishige.

Amended claims 24 and 50 contain features similar to those found in amended claim 1, and thus, are allowable for the same reasons set forth above in urging the allowance of

claim 1. For example, claim 24, as amended, is directed to an image communication apparatus that comprises “transmission means for automatically transmitting a plurality of image files indicated in a transmission image designation file to an external device” and “first list generation means for generating a list holding information indicative of the transmitted image files and information representing a transmission order of the image files transmitted in said transmission step”. In other words, the apparatus of claim 24 includes a transmission means that transmits a plurality of image files to an external device and, in addition, includes a first list generation means. Therefore, the external device referred to in claim 24 cannot be the first list generation means of the apparatus, and thus, the external device PC 36 of Kunishige does satisfy this claim element.

Claim 50, as amended, is directed to a computer program product ...having computer readable program code means ... for an image communication method for use by an image transmitting apparatus, that comprises “first computer readable program code means for automatically transmitting a plurality of image files indicated in a transmission image designation file to an external device” and “second computer readable program code means for causing said image transmitting apparatus to generate a list holding information indicative of the transmitted image files and information representing a transmission order of the image files transmitted in said transmission step.” As set forth above, in Kunishige, the lists shown in FIGS. 9, 10, 12 and 13 are not generated by the film scanner, but rather, are generated by PC 36, which the Office Action refers to as the external device to which the scanned images are transmitted.

Accordingly, amended claims 24 and 50 are also not anticipated by Kunishige.

Dependent Claims:

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

* * *

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4579. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4579. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

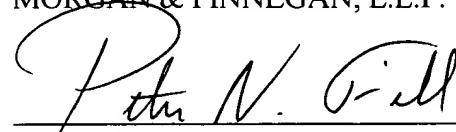
In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 31, 2003

By:



Peter N. Fill

Reg. No. 38,876

Mailing address:

Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, NY 10154
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

APPENDIX

1. (Amended) An image communication method for use by an image transmitting apparatus comprising:

a transmission step of automatically transmitting [images] a plurality of image files indicated in a transmission image designation file to an external device;

a first list generation step [of generating] wherein said image transmitting apparatus generates a list holding information [representing] indicative of the transmitted [images] image files and information representing a transmission order of the [images] image files transmitted in said transmission step; and

an output step of outputting the transmitted [images] image files and the transmission order to an output device on the basis of the information held in the list.

2. (Amended) The method according to claim 1 further comprising

a storage step of storing [images] image files, and

a selection step of selecting, from the [images] image files stored in the storage step, [images] a plurality of image files to be transmitted and a transmission order of the selected image files,

wherein, in said transmission step, the [images] image files selected in said selection step are transmitted in the selected transmission order.

3. (Amended) The method according to claim 2 further comprising

a second list generation step of generating [a list] the transmission image designation file holding information representing the [images] image files and the transmission order selected in the selection step,

wherein, in said transmission step, the [images] image files are transmitted

on the basis of the [list] transmission image designation file generated in said second list generation step, and in said first list generation step, the list is generated on the basis of the [list generated in said second list generation step after image transmission] transmission image designation file referred to in said transmission step.

4. (Amended) The method according to claim 3, wherein, when [an image] at least a part of the image files corresponding to the image information held in the [list] transmission image designation file generated in said second list generation step is not transmitted, in said first list generation step, information indicating that [the image is not transmitted is stored in the list in association with information representing the image] failure of transmission has occurred is outputted.

5. (Amended) The method according to claim 1, wherein the information [representing an image] indicative of an image file is the file name of the image.

6. (Amended) The method according to claim 1, wherein, in said output step, the transmitted [images] image files are automatically outputted in the transmission order.

9. (Amended) The method to claim 1 further comprising an image sensing step of sensing an image of an object to acquire [the image] an image file.

24. (Amended) An image communication apparatus comprising:
transmission means for automatically transmitting [images] a plurality of image files indicated in a transmission image designation file to an external device.

first list generation means for generating a list holding information [representing] indicative of the transmitted [images] image files and information representing a transmission order of the [images] image files transmitted in said transmission step; and

control means for outputting the transmitted [images] image files and the transmission order to output means on the basis of the information held in the list.

25. (Amended) The apparatus according to claim 24 further comprising storage means capable of storing a plurality of [images] image files, and selection means for selecting, from the [images] image files stored in said storage means, [images] a plurality of image files to be transmitted and a transmission order of the selected image files, [and]

wherein said transmission means transmits the [images] image files selected by said selection means in the selected transmission order.

26. (Amended) The apparatus according to claim 25 further comprising second list generation means for generating [a list] the transmission image designation file holding information representing the [images] image files and the transmission order selected by said section means, [and]

wherein said transmission means transmits the [images] image files on the basis of the [list] transmission image designation file generated by said second list generation means, and after image transmission by said transmission means, said first list generation means generates the list on the basis of the [list generated by said second list generation means] transmission image designation file referred to by said transmission means.

27. (Amended) The apparatus according to claim 26, wherein when [an image] at least a part of the image files corresponding to the image information held in the [list] transmission image designation file generated by said second list generation means is not transmitted, information indicating that [the image is not transmitted is stored in the list in association with information representing the image] failure of transmission has occurred is outputted.

28. (Amended) The apparatus according to claim 24, wherein the information [representing an image] indicative of an image file is the file name of the image.

29. (Amended) The apparatus according to claim 24, wherein said control means automatically outputs the transmitted [images] image files in the transmission order.

32. (Amended) The apparatus according to claim 24 further comprising image sensing means for sensing an image of an object to acquire [the image] an image file.

50. (Amended) A computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for an image communication method for use by an image transmitting apparatus, said product comprising:

first computer readable program code means for automatically transmitting [images] a plurality of image files indicated in a transmission image designation file to an external device;

second computer readable program code means for [generating] causing said image transmitting apparatus to generate a list holding information [representing] indicative of the transmitted [images] image files and information representing a transmission order of the [images] image files transmitted in said transmission step; and

third computer readable program code means for outputting the transmitted

[images] image files and the transmission order to an output device on the basis of the information held in the list.